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zuma impact environmental analysis and reporting

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**Broad Beach Restoration Project, Malibu Calif.
Scope of Draft Environmental Impact Report
SCH# 2011041052 CSLC Ref Files: EIR No. 756; R19710; W30182; W26420
Comments of Hans Laetz, Trancas Resident**

Ms. Spurr,

29 April 2011

Thank you for the opportunity to comment on the proposed beach replenishment at Broad Beach. I am thrilled to see my neighbors, the Trancas Property Owners Association, take these positive, welcome steps towards restoring a beach that has been destroyed by forces of nature and possibly man. It is, overall, a project of enormous public benefit – and benefit to me, I must note. But the California State Lands Commission needs to be mindful of these side issues and constraints that are not in the initial notice. Please consider the following as you draft an Environmental Impact Report.

Section 1, Project Description.

[1.] GHAD boundary:

The exact boundaries of the proposed Geologic Hazards Abatement District must be specified before accurate comments can be made.

[2.] Revetment gaps:

The project description indicates that the proposed GHAD includes (1) a gap where no revetment was placed, presumably because a property owner asked to maintain a rock-free beach in front of his house, (2) at least one property where the revetment was installed at a level below the rest of the project, and (3) about 5-7 properties at the eastern end of the project, from and including the Malibu West Swim Club property east to the mouth of Trancas Creek.

No description is made how or if new revetment will be installed here. No description is

made as to the legal issues, if any, that may exist here. Placing the original revetment along Broad Beach caused several negative impacts on the community, such as noise, lights, and a closure of a section of Zuma Beach in front of our home. Details must be specified as to the nature of how these revetment gaps will be addressed before accurate comment can be offered.

Section 1.2, Permits and Permitting Agencies.

[3.] Affected agencies:

The undersigned is working with the Santa Monica Mountains National Recreation Area and the Resources Conservation District of the Santa Monica Mountains, which are jointly conducting preliminary work to restore Trancas Lagoon. This waterway is directly adjacent to the proposed project. Under Public Resources Code section 21080.4 (a), the lead agency must notify and consult "those public agencies having jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State of California." The SMMNRA and RCDSMM are affected and should be added to Section 1.2, and should be fully notified and consulted in the EIR preparation.

Section 2.1.1, Aesthetics.

[4.] Construction yard impacts:

Zuma Beach's westernmost parking lot was the site of a noisy, brightly-lit construction staging yard during the emergency revetment project. Residents on Surfside Way, some of them with bedrooms within 65 feet of the commandeered parking lot, were surprised to find this industrial endeavor set up in their neighborhood. They were subjected to 24/7 rock dumping and loading for nearly three weeks, without advance notice or mitigation. Residents and motorists along Pacific Coast Highway, a protected scenic resource, were subjected to unshielded portable lights run by loud generators 24/7, plus the industrial impact of thousands of truck trips. Affected residents took this in good stride due to the emergency nature of the work.

The emergency is over. The study must directly specify the exact uses that will be proposed for Zuma Beach County Park, and all possible negative offsite impacts such as this must be described and mitigated. Alternative locations for construction vehicle staging and storage must be inventoried and evaluated. These locations include privately-held lots within the GHAD, on Broad Beach Road, using Broad Beach Road itself, or city-owned vacant land between Broad Beach Road and Pacific Coast Highway.

[5.] Lighting aesthetics:

Although there may be a need for safety purposes to keep lights on offshore equipment, the exact impact of such lighting must be studied. Alternatives must be adopted to prevent floodlights from shining towards motorists on Pacific Coast Highway, or towards nearby homes. This will also be discussed below, in the biological discussion.

[6.] Noise aesthetics:

During the revetment construction process, even at times when rocks were not hauled due

to high tides, construction vehicles were operated day and night at Zuma Beach's construction yard. Loud engines and annoying "back-up beeps" were audible several hundred yards away in the nighttime hours. The rumble of rocks was incessant at nighttime hours.

The notice mentions a need for an exemption to the City of Malibu's construction hour limitations. All alternatives must be delineated to avoid that. The study should examine whether sand pumping must occur outside permissible hours. The issue of the construction yard should be examined separately, to examine if its noise-generating vehicle maintenance, engine warm-up, refueling, staging and other impacts can be allowed to occur outside permissible hours.

Section 2.1.3, Biological Impact.

[7.] Heavy truck traffic through Trancas Creek and Lagoon:

The notice states that vehicular traffic is anticipated on the beach. During the emergency revetment project, heavy truck traffic was observed driving through Trancas Creek while it was flowing naturally south into the ocean, and while high tides were flowing north into the lagoon. The possibility of an impact on the fauna and flora in the lagoon was not addressed, or mitigated, during the revetment process.

Trancas Creek is a recognized historic habitat for steelhead trout and other protected species. Its lagoon is recognized as one of the few remaining seawater lagoons on the Malibu coast. Its waters are federally-protected as Waters of the United States. The study must examine alternate routes for construction traffic that do not involve driving through Trancas Creek's mouth. If trucks must be driven there, all impacts and mitigations must be discussed.

[8.] Impact on beach widening on Trancas Lagoon:

Trancas Creek's mouth is the eastern boundary for the sand replenishment project. It appears, but it is not certain, that the project would significantly widen the beach at the mouth of the lagoon and creek. A wider beach can reasonably be expected to significantly decrease dry-weather inflows to the lagoon from the Pacific Ocean. A wider beach will also possibly make it harder for dry-weather outflows to reach the ocean. These flows are vectors for certain protected fish and other animals. The impact of a wider beach on Trancas Lagoon and the creek's surrounding hydrology must be thoroughly examined and mitigated to the fullest extent possible.

The agencies preparing a Trancas Lagoon restoration plan (SMMNRA, RCDSMM) must be consulted, and their concerns fully addressed, as mentioned *supra*.

[9.] Impact of a wider beach on Trancas Creek's meandering towards a house:

An aerial photograph show a much-larger Trancas Lagoon existed in 1946 between Pacific Coast Highway and the ocean, a lagoon that covered at least two lots that now have houses built on them (see photo). These houses are part of the proposed GHAD,



and will be beneficiaries of the beach replenishment project. Residents in the Broad Beach neighborhood have been observed using large machinery to artificially breach the Trancas Creek berm, an emergency, unpermitted attempt to lower the water table and direct the water in the lagoon to flow away from the house.

Although no one can begrudge a homeowner protecting a lawfully-built structure, the EIR must examine the impact of the proposed beach widening on the lagoon as it moves laterally back and forth from littoral winds, ocean currents and natural streambed migration through meandering. The study should address the property owner's legitimate need to protect his house from the creek meandering under its foundation. The impact of the wider beach on creek bank migration during storm flow events must be examined. Longterm solutions to the homeowner's need to protect his house must be examined and addressed before any widening of the beach can be permitted.

[10.] Lights on birds:

The Notice notes that some nighttime lighting will be necessary. It is reasonably believed that such lights will affect birds. The California Coastal Commission has recently rejected the installation of field lighting at nearby Malibu High School. The western Malibu area is highly regulated to eliminate light impacts on fowl. Pacific Coast Highway is generally not lit in the area. Alternatives must be examined that minimize floodlight use at all dark hours. The alternative of not working at night must be examined of that option eliminates the need for floodlights. The alternative of allowing lights to be used on dredges at night, but prohibiting them at the construction yard, must be considered.

Section 2.1.6. Public Health and Safety / Hazards and Hazardous Materials

[11.] Zuma Beach access blocked by construction yard:

During the revetment project, residents and beach visitors were cut off from the beach by the construction yard fencing, which extended east to Guernsey Avenue. More importantly, pedestrian access to the entire Zuma Beach strand was made impossible due to heavy truck activity, including dozens of queued dump trucks idling along PCH as far as a half mile east of the construction site. The EIR must fully evaluate these problems and present alternatives to mitigate them.

[12.] Dangers to vehicles:

Extremely hazardous driving and bicycling conditions were suddenly imposed on Malibu residents by heavy construction traffic, including but not limited to queuing trucks, on PCH. The Caltrans encroachment permit was violated when the contractor staged dump trucks along both sides of the highway. Car drivers could not see around trucks to look for oncoming traffic moving at 50 miles per hour. Flaggers were deployed at the temporary yard entrance/exit for the convenience of the truck drivers, but no flaggers were employed at Guernsey Avenue or other impacted intersections. The contractor explained that flaggers could not be placed at the dangerous, truck-clogged PCH/Guernsey intersection because “that is not in the Caltrans encroachment permit.” The EIR must fully evaluate these problems and present alternatives to mitigate them.

[13.] Dangers to pedestrians and bicycles:

Pedestrian and bicycle access along the California Coastal Trail (along PCH), a state-protected resource, was severely impacted by a loss of safe walking and riding areas in the shoulder of both sides of PCH. Trucks were staged there, and construction employees parked there. The study must explore staging and employee parking arrangements that do not adversely affect PCH. Safe passageways for bikes and hikers must be studied as an alternative. Broad Beach Road, as an unmarked branch of the CCT, must also be analyzed and mitigated.

[14.] Inability to contact the responsible party:

Residents of the area were unable to contact the contractor during the revetment project to discuss immediate hazards. The study should examine ways that a responsible superintendent can be reached 24/7 for problems that may arise.

Section 2.1.8 Land Use, Planning and Recreation.

[15.] Closure of a public beach:

Construction staging during the emergency revetment project necessitated closure of a large section of public beach and parking lot at Zuma Beach County Park. Due to the global ocean current that sweeps south along the coast, October and November are the warmest sea temperatures of the year at Zuma Beach, and the beach is frequently packed on warm Santa Ana wind days. A large section of Zuma Beach County Beach was unexpectedly closed to public use during the revetment project. If this had happened during the fall, it would have affected tens of thousands of swimmers, strollers, sunbathers and

persons using L.A. County's most-popular county park. As mentioned before, alternatives for a staging yard that do not impact the public beach and the residents at adjacent Surfside Way should be studied and where feasible, substituted.

[16.] Impact on wave shape at adjacent public beach:

Zuma Beach attracts thousands of surfers -- board and body. The possibility of significant, long-term impacts to Zuma Beach cannot be dismissed as simply "not expected to occur." Detailed impacts on ocean current changes, potential sand loss or gain, and impacts on recreational activities at Zuma Beach must be thoroughly studied. The study must examine the potential impact on wave shape and surf conditions for the entire coast from Point Lechusa to Zuma Beach, including Zuma Beach. The study must explain how or if the beach widening through replenishment will "taper" back to the current shoreline alignment at western Zuma Beach, and what the impact both on shoreline and wave conditions will be in this transition zone.

[17.] Impact on recreational use by the general public on Broad Beach:

The NOP notes that "recreation at Broad Beach would resume and is expected to increase." The impacts on the surrounding neighborhoods must be examined. Parking, sanitary and other facilities may need to be constructed near Broad Beach. Parking and walkways down the hill could be constructed between existing, unimproved parking areas on PCH above Broad Beach to the existing beach access ways, or new beach access paths could be provided. Constructing a renourished beach, with a wider and larger sand area, would provide greater recreational opportunities only if adequate public access and sanitation is provided.

To be sure, the value to the state of the sand replenishment, funded by the private landowners, is great. Conversely, the people of California are being asked to contribute valuable state-owned sand and very-valuable state-owned tidelands to this project. The values of homes in the GHAD will be significantly increased, as will the value of the enjoyment that residents obtain from them. The converse public and private values are not necessarily equal, however. The EIR must examine whether landowners should contribute the rough estimate of the values they receive from the public.

It should be examined if the GHAD should fund improved public parking to allow all of California to enjoy the new beach in front of their homes. Constructing a new beach for "the public benefit" does not benefit the public if there is no place to park, or no easy way to get there. Existing beach access to Broad Beach is difficult to find, difficult to park near, and there are no restroom facilities.

It should be examined if the GHAD could partner with other agencies to increase public parking at Broad Beach. This public parking could be located on the city-owned plot along PCH above Broad Beach. This parking could be linked to the beach with new walkways that would connect across Broad Beach Road to an existing or future beach accessway on the south side of Broad Beach Road. Or, a connection between the new PCH bike path could be built across city-owned land to the Broad Beach accessways, and bike parking be built there. Or, beach visitor parking improvements could be added on

Broad Beach Road itself.

Other alternatives may include constructing a restroom facility at the PCH site, or funding maintenance of the existing Zuma Beach bathrooms. These potential alternatives must be studied and addressed by the State Lands Commission.

[16.] Boundaries of public beach and private property on Broad Beach.

Left unsaid in the scoping statement is the festering issue of real estate boundaries on the beach itself, a matter of great contention in recent years. The State Lands Commission took detailed measurements of the existing boundary between state tidelands and private properties, just before the revetment was installed. The EIR must address where the property lines will now sit, how they will be marked, and how enforcement against trespassing landward of those lines shall be handled. The existing horizontal and lateral easements must be reconciled with new, observable property lines.

The California Coastal Commission staff should be consulted for guidance in maintaining public access. The homeowners deserve to have their private property respected, but in the past there has been – charitably put – disagreement over where those rights begin and end. The EIR should examine alternatives for settling beach access and private property boundary rights equitably and with notice to all.

Section 2.2.3 Environmental Justice.

[18.] The scope of this project has gone from a voluntary association effort to a GHAD, with mandatory participation assumed from all homeowners. The EIR should study if this financial burden can be met by all homeowners, and if not, what alternatives are available to address the potential loss of a home due to GHAD assessments.

Conclusion.

Thank you for considering the above points, and I look forward to watching you complete a good EIR and worthy project. I thank you for allowing me to make these comments, which represent solely the views of me.

s/ Hans Laetz